

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

**NOTICE REGARDING
NEW LOCAL RULE 5.4 and MANDATORY ELECTRONIC FILING
EFFECTIVE JANUARY 1, 2006**

Local Rule 5.4 - This new Local Rule was adopted on October 3, 2005 to reflect the Court's determination that unless exempt or otherwise ordered by the Court, all pleadings or other papers submitted to the Court must be filed, signed, verified and served by electronic means. New Local rule 5.4 is effective on **January 1, 2006**.

Unless otherwise ordered by the Court, all attorneys must now file documents electronically. The only exceptions at this time are case opening documents and those listed below:

- (a) sealed documents;
- (b) ex parte motions;
- (c) documents generated as part of an alternative dispute resolution (ADR) process;
- (d) the administrative record in social security and other administrative proceedings;
- (e) the state court record in proceedings under 28 U.S.C. § 2254; and
- (f) such other types of documents as the clerk may direct in the ECF Administrative Procedures.

Prior Standing Orders are moot and courtesy copies should not be submitted unless specifically requested by a judicial officer.

The Court will make a public scanner and computer available for use in the Clerk's Offices in Boston and Worcester for those who do not have the necessary equipment or access to the Internet to file documents from their offices. Each attorney must obtain an ECF log-in and password by registering for electronic filing through the Court's web site. This notice will be sent to those attorneys still receiving notice in paper form and will be noted on the docket. Failure to register for ECF after receipt of this notice may result in sanctions.

/s/ Sarah A. Thornton
Sarah A. Thornton
Clerk of Court

Date: December 23, 2005

RULE 5.4 FILING AND SERVICE BY ELECTRONIC MEANS

(A) **Electronic Filing Generally.** Unless exempt or otherwise ordered by the court, all pleadings and other papers submitted to the court must be filed, signed, and verified by electronic means as provided herein.

(B) **ECF Administrative Procedures.** Subject to the supervision of the court, the clerk will maintain Electronic Case Filing (ECF) Administrative Procedures, including procedures for the registration of attorneys and other authorized users and for distribution of passwords to permit electronic filing. All electronic filings must be made in accordance with the ECF Administrative Procedures. The ECF Administrative Procedures will be generally available to the public and shall be posted on the court's web site.

(C) **Service of Pleadings.** Unless exempt or otherwise ordered by the court, all pleadings and other papers must be served on other parties by electronic means. Transmission of the Notice of Electronic Filing (NEF) through the court's transmission facilities will constitute service of the filed document upon a registered ECF user. Any pleading or other paper served by electronic means must bear a certificate of service in accordance with Local Rule 5.2(b).

(D) **Deadlines.** Although the ECF system is generally available 24 hours a day for electronic filing, that availability will not alter filing deadlines, whether set by rule, court order, or stipulation. All electronic transmissions of documents must be completed prior to 6:00 p.m. to be considered timely filed that day.

(E) **Civil Case Opening Documents.** Civil case opening documents, such as a complaint (or petition or notice of removal), summons, civil action cover sheet, or category sheet, must be filed and served in paper format, not electronically. Emergency motions and supporting materials presented contemporaneously with civil case opening documents may be filed and served initially in paper format and not electronically. Unless exempt or otherwise ordered by the court, at the time a civil case is opened, the filing party must also file a disk with the clerk's office containing in PDF format the opening documents and any emergency motions and supporting papers not filed electronically.

(F) **State Court Record in Removal Proceedings.** Within thirty days after filing a notice of removal in a civil action, a party removing an action under 28 U.S.C. §§ 1441-52 must file certified or attested copies of all docket entries, records, and proceedings in the state court in paper format. Unless exempt or otherwise ordered by the court, the removing party must also file a disk with the clerk's office containing the state court record in PDF format.

(G) **Exemptions.**

(1) *Documents That Should Not Be Filed Electronically.* The following types of documents must not be filed electronically, and will not be scanned into the ECF system by the clerk's office:

- (a) sealed documents;
- (b) ex parte motions;
- (c) documents generated as part of an alternative dispute resolution (ADR) process;
- (d) the administrative record in social security and other administrative proceedings;
- (e) the state court record in proceedings under 28 U.S.C. § 2254; and

(f) such other types of documents as the clerk may direct in the ECF Administrative Procedures.

(2) *Documents That Need Not Be Filed Electronically.* The following types of documents need not be filed electronically, but may be scanned into the ECF system by a filing party or the clerk's office:

- (a) handwritten pleadings;
- (b) documents filed by pro se litigants who are incarcerated or who are not registered ECF users;
- (c) indictments, informations, criminal complaints, and the criminal JS45 form;
- (d) affidavits for search or arrest warrants and related documents;
- (e) documents received from another court under Fed. R. Crim. P. 20 or 40;
- (f) appearance bonds;
- (g) any document in a criminal case containing the original signature of a defendant, such as a waiver of indictment or a plea agreement;
- (h) petitions for violations of supervised release;
- (i) executed service of process documents under Rule 4; and
- (j) such other types of documents as the clerk may direct in the ECF Administrative Procedures.

**United States District Court
District of Massachusetts
Office of the Clerk**



**ELECTRONIC CASE FILES
INFORMATION SHEET FOR ATTORNEYS**

What if....

I haven't yet applied for an account?

If you are receiving e-mail notices from the Court, you already have an ECF account (see next question). Otherwise, use the application on our web page at <http://www.mad.uscourts.gov/AttyInfo/Attyrereginfo.htm>. A login and password will be issued to you approximately 7 business days after receipt of your application.

I think I have an ECF account, but don't know my login and password?

You may check to see if you have an ECF account by going to our web page www.mad.uscourts.gov and clicking on the 'MA-Federal Bar Search' link under 'What's New'. Search for your name there, and if found, contact the ECF Help Desk at 866-239-6233 or by e-mail at ecfhelp@mad.uscourts.gov - we will arrange to have the login and password reissued to you.

I don't know how to use the system?

Check out our training opportunities at <http://www.mad.uscourts.gov/train/TrainAnnounce.htm>

I have filed a notice of appearance but I'm not receiving notices?

If you have filed your notice of appearance using your own ECF login and password, did you check the appropriate box to link yourself to your client on the docket (and leave the box for 'Notice' checked)? If you did, contact the ECF Help Desk. If you failed to check the association box, or unchecked the notice box, contact the docket or courtroom clerk for the assigned Judicial Officer.

If the notice was filed on your behalf using another attorney's login and password, contact the docket or courtroom clerk for the assigned Judicial Officer and then file the notice again using your own ECF login and password.

I've moved my office or changed my e-mail address?

Log into the ECF system to update your account, using the 'Maintain Your Account' feature under the Utilities menu. Instructions are available in the ECF User Guide (Training Manual), available on our web page under 'Training Information.' If you encounter a problem updating your street address, refer to the FAQ page on our web page for more information or contact the ECF Help Desk.

Answers to other Frequently Asked Questions are available on our web site, at
<https://pacer.mad.uscourts.gov/dc/cgi-bin/faq.html>

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**ELECTRONIC CASE FILES
INFORMATION SHEET FOR ATTORNEYS**

What if....

I'm no longer involved in a case but I'm still receiving e-mails?

You should file a notice of withdrawal of appearance. If you have filed the notice of withdrawal and are still receiving e-mails, contact the ECF Help Desk.

I receive e-mails from the Court, but I just can't read the body of the message?

Check the settings on your ECF account. Be sure that you have selected the proper format ('html format' or 'text format'). Contact your Internet service provider for advice on what choice is best for you.

I open the document, but all I see is a blank screen?

Try refreshing your screen - that normally solves the problem. You may also want to clean out your temporary Internet files if the problem persists.

There is no hyperlink to a document number in the body of the e-mail message?

In the past the Clerk's Office would copy the margin order and mail it to counsel. The Clerk's Office has established a practice of entering those orders onto the docket as 'Electronic Orders,' including any and all text from the Judicial Officer, and since there is no entry attached to the document, there is no hyperlink. Attorneys not yet receiving e-mail notice from the Court will receive a copy of the receipt generated by the CM/ECF system. (NOTE: the same is true of certain other Court generated documents, such as notices and clerk's notes of court proceedings.)

I'm the attorney of record in a Social Security case, but I still can't view the documents?

You must first login to the ECF system using the Court-issued login and password, and then when you see a second login screen, enter your PACER login and password.

I want to file a responsive document, but the document in question is not yet on the docket?

All documents received over the counter (or by other traditional means) should be entered into the ECF system within 48 hours of receipt by Clerk's Office staff. If more than that time has elapsed, or if the document in question is an emergency, contact the docket or courtroom clerk for the assigned Judicial Officer.

Answers to other Frequently Asked Questions are available on our web site, at
<https://pacer.mad.uscourts.gov/dc/cgi-bin/faq.html>